

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER BROWN, et al.,
Plaintiffs,
v.
JON ALEXANDER, et al.,
Defendants.

Case No. [13-cv-01451-RS](#)**ORDER GRANTING PLAINTIFFS'
MOTION TO EXTEND TIME TO
RESPOND AND DENYING THE
MOTION FOR LEAVE TO AMEND
THE COMPLAINT**

On January 13, 2016, defendants filed a motion to dismiss plaintiffs' claim for loss of familial association to be heard on March 3, 2016. The deadline to respond to the motion to dismiss was January 27, 2016, but plaintiffs did not file an opposition by that deadline. On February 16, 2016, plaintiffs filed an "Ex Parte Application" for leave to file a late opposition brief and for leave to amend the complaint.

Defendants' attorney has filed a declaration in response to plaintiffs' request to submit the untimely brief and explained that plaintiffs' attorney, Patricia Barry, requested a stipulation to continue the hearing because she could not travel due to various health problems. Defendants suggested that Barry seek leave to appear by telephone, but she has not done so.


In light of the foregoing, plaintiffs' ex parte application will be construed as a motion to change time pursuant to Local Rule 6-3 and a motion for leave to file an amended complaint pursuant to Federal Rule of Civil Procedure 15. Their motion for leave to file an untimely brief is granted. Defendants must file their reply brief by February 26, 2016. The hearing on the motion

1 will be continued until March 17, 2016. If, after defendants file their reply, it becomes apparent
2 that the motion should be submitted without oral argument pursuant to Local Rule 7-1(b), the
3 parties will be notified.

4 Plaintiffs have not, however, complied with the requirements of Rule 15 or established that
5 they are entitled to leave to amend the complaint. Accordingly, the motion for leave to amend is
6 denied without prejudice. If plaintiffs believe they can, in good faith, add additional claims to
7 their complaint, then they must seek leave to do so in accordance with Rule 15.

8 **IT IS SO ORDERED.**

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10 Dated: February 18, 2016

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13 RICHARD SEEBORG
14 United States District Judge
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Northern District of California